

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
JAN 12 PM 1:03
MARGARET ECKING, CLERK
CHEYENNE

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE DE LA CRUZ GUERRA TORRES,

Defendant.

CRIMINAL COMPLAINT

Case Number: 24-MJ-04-ABJ

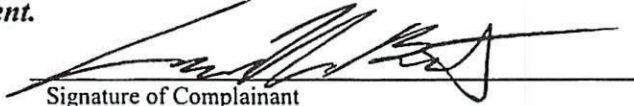
I, Logan M. Baumgart, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

COUNT ONE

On or about December 5, 2022, in the District of Wyoming, in Park County, the Defendant, **JOSE DE LA CRUZ GUERRA TORRES**, an alien who had been previously removed and deported on or about September 26, 2019, at or near San Luis, Arizona, knowingly and unlawfully was found in the United States, the said Defendant having not obtained the consent of the Attorney General of the United States or his successor, the Secretary for Homeland Security, Title 6, United States Code, Sections 202(3), (4) and 557, to reapply for admission into the United States.

In violation of 8 U.S.C. § 1326(a).

I further state that I am a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement and that this complaint is based on the following facts: *see attached sworn statement.*


Signature of Complainant
Logan M. Baumgart

Sworn to and subscribed by telephone,

1/12/2024
Date

HON. KELLY H. RANKIN
Chief Magistrate Judge, United States
District Court

Name & Title of Judicial Officer

at Cheyenne, Wyoming
City and State


Signature of Judicial Officer



**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
DEPORTATION OFFICER LOGAN M. BAUMGART
U.S. v. JOSE DE LA CRUZ GUERRA TORRES**

1. I, Logan M. Baumgart, am a Deportation Officer (DO) of the United States Department of Homeland Security, Immigration and Customs Enforcement (hereafter referred to as ICE), assigned to the Casper, Wyoming, ICE office.

2. I have been employed as a Deportation Officer with the Enforcement and Removal Operations office in Casper, Wyoming, since July 2021. I have over nine years' experience enforcing Immigration and Customs laws within the United States. I have successfully completed the United States Border Patrol Basic Academy (BPA) training course at the Federal Law Enforcement Training Center in Artesia, New Mexico, and the Immigration and Customs Enforcement Detention and Removal Operations (DRO) Basic Immigration Law Enforcement Training Program training course at the Federal Law Enforcement Training Center in Charleston, South Carolina. Based on my training and experience in the investigation of federal immigration laws and my investigation of the facts outlined below, I have reason to believe that JOSE DE LA CRUZ GUERRA TORRES is unlawfully present in the United States after having been previously removed from the United States.

3. On December 5, 2022, GUERRA TORRES was arrested, detained, and encountered by law enforcement at the Park County Detention Center, Park County, Wyoming, for charges of Driving Under the Influence of Alcohol. Deputies from the Park County Detention Center notified ICE that GUERRA TORRES claimed to be a citizen of Mexico.

4. On December 5, 2022, Casper, Wyoming, ICE DO Rafael Tejera searched GUERRA TORRES' biographical information in DHS/ICE databases and located records indicating that GUERRA TORRES had previously been removed from the United States to

Mexico. On December 5, 2022, DO Tejera obtained a copy of fingerprints belonging to GUERRA TORRES from the Park County Detention Center, which were obtained during his most recent arrest in Park County, Wyoming. On December 5, 2022, at the Casper, Wyoming, ICE office, these fingerprints were submitted to ICE's Automated Biometric Identification System (IDENT) and were found to match a pre-existing immigration record associated with GUERRA TORRES and an Alien Registration Number of A079 767 199. These fingerprints were also submitted to the Next Generation Identification (NGI) system and were found to match a pre-existing record associated with GUERRA TORRES.

5. On January 8, 2024, DO Tejera reviewed documents contained within the Alien Registration File, pertaining to GUERRA TORRES. The documents included: 1) an order of the immigration judge, ordering GUERRA TORRES removed from the United States to Mexico, dated July 18, 2006; 2) a government form I-205, Warrant of Removal/Deportation, revealing he had been formally removed to Mexico, dated July 20, 2006 at El Paso, Texas; 3) a government form I-871, Notice of Intent/Decision to Reinstate Prior Order, dated September 2, 2019; 4) a government form I-205, Warrant of Removal/Deportation, revealing he had been formally removed to Mexico at San Ysidro, California, dated on September 2, 2019; 5) a government form I-871, Notice of Intent/Decision to Reinstate Prior Order, dated September 7, 2019; 6) a government form I-205, Warrant of Removal/Deportation, revealing he had been formally removed to Mexico at San Ysidro, California, dated on September 7, 2019; 7) a government form I-871, Notice of Intent/Decision to Reinstate Prior Order, dated September 15, 2019; 8) a government form I-205, Warrant of Removal/Deportation, revealing he had been formally removed to Mexico at Calexico, California, dated on September 16, 2019; 9) a government form I-871, Notice of Intent/Decision to Reinstate Prior Order, dated September 18, 2019; 10) a

government form I-205, Warrant of Removal/Deportation, revealing he had been formally removed to Mexico at San Luis, Arizona, dated on September 26, 2019.

6. On December 5, 2022, DO Tejera reviewed the Computer Linked Application System (CLAIMS) database and found no record or indication that GUERRA TORRES had applied to either the Attorney General of the United States, or his successor, the Secretary of Homeland Security, for permission to re-enter the United States after having been formally removed.

7. On January 8, 2024, DO Tejera reviewed the criminal history related to GUERRA TORRES, and the records revealed: 1) a conviction for Driving While License Suspended and Driving Without a License, entered on September 4, 2002, in Okanogan County, Washington; 2) a conviction under 8 U.S.C. § 1325, entered on September 25, 2019, in the United States District Court, Southern District of California; 3) a conviction for DUI entered on September 3, 2022, in Park County, Wyoming; 4) a conviction for DUI entered on September 5, 2022, in Park County, Wyoming; 5) a conviction for Manufacturing or Delivery of Meth or Narcotic Controlled Substance, entered on December 28, 2023, in Park County, Wyoming.

END OF SWORN AFFIDAVIT

PENALTY SUMMARY

DEFENDANT NAME:	JOSE DE LA CRUZ GUERRA TORRES
DATE:	January 12, 2024
INTERPRETER NEEDED:	Yes
VICTIM(S):	No
OFFENSE/PENALTIES:	8 U.S.C. § 1326(a) (Illegal Reentry) 0-2 YEARS IMPRISONMENT UP TO \$250,000 FINE UP TO 3 YEARS SUPERVISED RELEASE \$100 SPECIAL ASSESSMENT
AGENT:	Logan M. Baumgart, DHS, ICE
AUSA:	Cameron J. Cook, United States Attorney
ESTIMATED TIME OF TRIAL:	1-5 Days
WILL THE GOVERNMENT SEEK DETENTION IN THIS CASE:	Yes
ARE THERE DETAINERS FROM OTHER JURISDICTIONS:	Yes